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HOUSE BILL 503

46TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2004

INTRODUCED BY

Edward C. Sandoval

AN ACT

RELATING TO ELECTIONS; RECONCILING MULTIPLE AMENDMENTS TO SECTION 1-6-14 NMSA 1978 (BEING LAWS 1971, CHAPTER 317, SECTION 11, AS AMENDED BY LAWS 2003, CHAPTER 354, SECTION 1 AND BY LAWS 2003, CHAPTER 356, SECTION 22).

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 1-6-14 NMSA 1978 (being Laws 1971, Chapter 317, Section 11, as amended by Laws 2003, Chapter 354, Section 1 and by Laws 2003, Chapter 356, Section 22) is amended to read:

"1-6-14. HANDLING ABSENTEE BALLOTS BY ABSENT VOTER PRECINCT BOARDS.--

A. Before opening an official mailing envelope, the presiding judge and the election judges shall determine that the required information has been completed on the reverse side

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1 of the official mailing envelope.

2 B. If the voter's signature is missing, the
3 presiding judge shall write "Rejected" on the front of the
4 official mailing envelope. The election clerks shall enter the
5 voter's name in the signature rosters and shall write the
6 notation "Rejected--Missing Signature" in the "Notations"
7 column of the signature rosters. The presiding judge shall
8 place the official mailing envelope unopened in an envelope
9 provided for rejected ballots, seal the envelope and write the
10 voter's name on the front of the envelope and deposit it in the
11 locked ballot box.

12 C. A lawfully appointed challenger may examine the
13 official mailing envelope and may challenge the ballot of any
14 absent voter for the following reasons:

15 (1) the official mailing envelope has been
16 opened prior to being received by the absent voter precinct
17 board; or

18 (2) the person offering to vote is not a
19 federal voter, federal qualified elector, overseas voter or
20 voter as provided in the Election Code.

21 Upon the challenge of an absentee ballot, the election
22 judges and the presiding election judge shall follow the same
23 procedure as when ballots are challenged when a person attempts
24 to vote in person. If a challenge is upheld, the official
25 mailing envelope shall not be opened but shall be placed in an

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1 envelope provided for challenged ballots. The same procedure
2 shall be followed in canvassing and determining the validity of
3 challenged absentee ballots as with other challenged ballots.

4 D. If the official mailing envelope has been
5 properly subscribed and the voter has not been challenged:

6 (1) the election judges shall open the
7 official mailing envelope and deposit the ballot in its still-
8 sealed official inner envelope in the locked ballot box; and

9 (2) the election clerks shall enter the absent
10 voter's name and residence address as shown on the official
11 mailing envelope in the signature rosters and shall mark the
12 notation "AB" opposite the voter's name in the "Notations"
13 column of the signature rosters.

14 E. Prior to the closing of the polls, the election
15 judges and the presiding election judge may either remove the
16 absentee ballots from the official inner envelopes and count
17 and tally the results of absentee balloting or, under the
18 personal supervision of the presiding election judge and one
19 election judge from each major political party, count and tally
20 the absentee ballots on an electronic voting machine the same
21 as if the absent voters had been present and voted in person.
22 It is unlawful for a person to disclose the results of a count
23 and tally or the registration on a voting machine of absentee
24 ballots prior to the closing of the polls.

25 F. Absentee ballots shall be counted and tallied on

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1 an electronic voting machine as provided in the Election Code.

2 G. Absent voter precinct polls shall close at the
3 time prescribed by the Election Code for other polling places,
4 and the results of the election shall be certified as
5 prescribed by the secretary of state.

6 H. The county clerk may convene the absent voter
7 precinct board no more than three days before the day of the
8 election to alphabetize, enter on the roster and sort the
9 absentee ballots by legislative district; provided that a
10 member of the absent voter precinct board shall not open an
11 official [~~mailing~~] inner envelope or count and canvass any
12 absentee ballot prior to the day of the election.

13 I. If an absentee ballot does not contain the
14 identification required pursuant to Subsection D of Section
15 1-6-5 NMSA 1978, it shall be handled as a provisional paper
16 ballot in accordance with the Election Code."